

REMARKS

Initially, Applicants note with appreciation that the Examiner stated that claim 34 is allowable over the prior art. As to the remaining claims, reconsideration of this application is respectfully requested. Claims 1-8, 18-20, 22, 23, and 25-34 are pending in the application. Claims 1, 18, 25, and 34 have been amended. Changes to these claims may be seen at Appendix A. New claims 35-43 are added. Claims 1, 2, 6-8, 18-20, 25, 26 and 30-33 stand rejected under 35 U.S.C. §103(a) and claims 3-5, 22, 23 and 27-29 are objected to as being dependent on a rejected base claim but would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. As such, Applicants have included new claims 37-43, in which the claims that the Examiner objected to have been rewritten in independent form.

Rejection of Disclosure for Informalities

The Examiner objected to the disclosure, requesting that Applicants clarify whether material is essential to the instant claims within the meaning of § 112, 1st paragraph, which is disclosed in various PCT Publications and U.S. provisional patent applications, the disclosures of which are said to be “incorporated herein by reference”. In response, Applicants note that PCT Publications and provisional applications do not contain “essential matter.”

The Examiner also objected to the specification as failing to provide proper antecedent basis for the claimed subject matter under 37 C.F.R. § 1.75(d)(1). Specifically, the Examiner objected to the use of the terms “cycloolefin” and “substituted ... dicyclopentadiene.” These terms are not used in the claims as amended. Additionally, Applicant notes that the term “cycloolefin” has been replaced by its equivalent “cyclic olefin” which is found in the

specification at page 4, line 9. Applicants respectfully request that this objection be withdrawn.

Rejection Under 35 U.S.C. §103(a)

The Examiner rejected claims 1, 2, 6-8, 18-20, 25, 26 and 30-33 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,100,323 to Setiabudi et al. ("the '323 Patent").

The '323 patent teaches that an additive such as a basic adsorbent is required to obtain good mechanical and electrical properties, such as glass transition temperature, of filled polyolefins. For example, the '323 patent states "It is an object of this invention to provide filled resin systems for the ring-opening metathesis polymerisation . . . to give products having a high glass transition temperature. It has now been found that this object can be achieved by adding a basic adsorbent to the filler." Col. 1, lines 31-36. In the present application no such additive is required. To more distinctly point out our invention, we have amended the claims to read "consisting essentially of" instead of comprising.

Conclusion

All objections and rejections having been addressed by way of amendment and the remarks set forth above, reconsideration and allowance of this application is respectfully requested. Applicants submit that the present application is in condition for allowance and a notice to that effect is earnestly solicited. The Examiner is invited to telephone the undersigned representative if it is believed that an interview may be useful for any reason.

This Amendment is being timely filed by August 6, 2002, accompanied by a petition for a three-month extension of time and a check for \$920 for the extension fee. Please charge any additional fees or credit any overpayment to our Deposit Account No. 03-3975.

Dated: August 6, 2002

Respectfully submitted,



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APPENDIX A

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Please amend claims 1, 18, 25, and 34 as follows:

1. (Amended) A composition [comprising] consisting essentially of:
a polyolefin prepared by the metathesis of an olefin monomer using a ruthenium or osmium carbene catalyst; and
one or more toughness and/or hardness modulators.
18. (Amended) An article of manufacture [comprising] consisting essentially of:
a polyolefin prepared by the metathesis of an olefin monomer using a ruthenium or osmium carbene catalyst; and
one or more toughness and/or hardness modulators.
25. (Amended) A process for preparing a composition having hardness or toughness properties [comprising] consisting essentially of contacting a [cycloolefin] cyclic olefin with a ruthenium or osmium carbene catalyst and one or more hardness and/or toughness modulators.
34. (Amended) A composition comprising:
a polyolefin prepared by the metathesis of an olefin monomer using a ruthenium or osmium carbene catalyst; and one or more toughness modulators; wherein the olefin monomer is a [substituted or unsubstituted] dicyclopentadiene and the one or more toughness modulators is poly(dimethylsiloxane) or poly(diphenylsiloxane).